

EXHIBIT O

Paul A. Woodard

From: Terrence M. Connors <tmc@connors-vilardo.com>
Sent: Thursday, August 20, 2015 12:41 PM
To: Ken Hiller
Subject: Wagner v. Chiari & Ilecki
Attachments: image-820130210-0001.pdf

Ken:

I attach our response to the issue you raised about a potential conflict. We take your concern serious but our research shows that we may remain as counsel to Chiari & Ilecki. Please let me have your thoughts.

Regards, Terry

Terrence M. Connors, Esq.
Connors & Vilardo, LLP
1000 Liberty Building
Buffalo, New York 14202
716-852-5533 (Phone)
716-852-5649 (Fax)
tmc@connors-vilardo.com
www.connors-vilardo.com

 Go Green! Print this email only when necessary. Thank you for helping Connors & Vilardo, LLP be environmentally responsible.



August 20, 2015

Attorneys At Law

Terrence M. Connors

Lawrence J. Vilardo

Randall D. White*

John T. Loss

Vincent E. Doyle III

Michael J. Roach

Lawlor F. Quinlan III

James W. Grable, Jr.

Joseph D. Morath, Jr.

Mollie C. McGorry

Matthew R. Benner

Paul A. Woodard

Nicholas A. Romano

Christina L. Saccocio

*Also admitted in District
of Columbia

Paralegals

Susan B. Fischer, R.N.

Curtis J. Ahrens, Jr.

John P. Kromer

Nancy Pelham, R.N.

Sara E. Lyons

Laura M. Lonski

Karen L. Buchinger, R.N.

Christine A. Trojan, R.N.

Via Email and First-Class Mail

Kenneth Hiller, Esq.
The Law Offices of Kenneth Hiller
6000 North Bailey Avenue, Suite 1A
Amherst, New York 14226

Re: Wagner v. Chiari & Ilecki, LLP

Dear Ken:

Thank you for your email of August 12, 2015, raising your concern about the possibility of a conflict of interest for me and my firm in this matter. I have taken the time to consider this issue, consult with other attorneys in my firm, and research the applicable ethics standards. Following my review, I do not believe that there is any conflict of interest, and I want to explain my reasoning to you.

As you point out in your email, my firm has previously represented you and/or your firm in several cases in which claims were made against you. Thus, you and your firm are former clients of my firm. The Rules of Professional Conduct establish the duties an attorney owes to former clients. Specifically, Rule 1.9(a) provides:

A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

We take our responsibilities under Rule 1.9 seriously. I do not believe, however, that the Rule is implicated here. Because neither you nor your firm are a party to this action, you do not have "interests" in the action within the meaning of Rule 1.9. In other words, Rule 1.9 prohibits a lawyer from representing a party in an action in which a former client is also a party. Neither the language of the Rule nor any case or ethics opinion decided under it suggests that a conflict is created when one lawyer appears in an action in which another party is represented by a lawyer who is a former client of the first lawyer.

Kenneth Hiller, Esq.


August 20, 2015

Page 2

As you may know, my firm frequently represents attorneys in this community. We have appeared in many actions over the years in which the other side is represented by a lawyer or firm whom we have previously represented. We have never experienced any problems relating to "conflicts" in any of these cases. We simply couldn't agree to represent lawyers if it meant that we would be unable to litigate adverse positions in the future.

I do appreciate the fact that you addressed your concern with us and provided us an opportunity to respond to you. I hope that this letter addresses your concern satisfactorily. If you would like to discuss this further, I am willing to do so. Thank you for your courtesy.

Very truly yours,


Terrence M. Connors

dab